IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 235 OF 2004
IN
FAMILY COURT APPEAL NO. 25 OF 2004

Smt. Meena Tilakraj Jangda ...Applicant

Versus

Tilakraj Omprakash Jangda ...Respondent

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Shri. Jaydeep Deo i/b Mr. P.K. Dhakephalkar, counsel for the Applicant

Shri. K.R. Dhanuka, counsel for Respondent.

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CORAM: DR. S. RADHAKRISHNAN AND
SMT. V.K. TAHILRAMANI, JJ.

DATED: 16TH DECEMBER, 2005

P.C.:-

1. Heard the learned counsel for the Applicant and the learned counsel for the Respondent.

2. By this civil application, the Applicant wife is seeking maintenance and subsistence allowance at the rate of Rs.50,000/- per month from 23.09.2004. However, after perusal of the affidavit in reply and after perusal of Income Tax Return filed by the Respondent-husband, we find that for the assessment

year 2004-05 the income as declared is Rs.2,90,341/-. For earlier years these figures were lower. The learned counsel for the Applicant does not dispute this fact. His minor son is also studying in an Engineering College. Having regard to the aforesaid facts and circumstances, we feel, it would be just and proper to direct the Respondent-husband to pay monthly maintenance at Rs.8,000/- per month from the date of filing of this Application i.e. 23.09.2004.

3. The learned counsel for the Respondent on instructions from the Respondent-husband states that the Respondent will pay all arrears by monthly instalment at Rs.17,000/- and Rs.8,000/- towards the current maintenance amount. Thus, the first instalment of Rs.25,000/- (Rs.17,000 + Rs.8,000/-) shall be paid by 30.01.2006, till the arrears of maintenance are recovered and thereafter the Respondent shall pay an amount of Rs.8,000/- per month regularly towards the maintenance. Civil application shall stand disposed of.

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